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9 *Attorneys for the Defendant*

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE DISTRICT OF ARIZONA**
 12 **(Phoenix Division)**

13 WILDEARTH GUARDIANS,

14 Plaintiff,

15 v.

16 KEN SALAZAR, U.S. Secretary of the
 Interior,

17 Defendant, and

18 BOARD OF COUNTY
 19 COMMISSIONERS OF THE COUNTY
 OF GUNNISON, COLORADO, and

20 ARIZONA CATTLE RANCHERS'
 21 ASSOCIATION and NEW MEXICO
 CATTLE RANCHERS' ASSOCIATION,

22 *Amicus curaie.*

Civil No. 2:09-cv-00574-FJM

**DEFENDANT'S CROSS MOTION FOR
 SUMMARY JUDGMENT**

23
 24 COMES NOW THE DEFENDANT, by and through the undersigned attorneys,
 25 and hereby moves for summary judgment pursuant to Federal Rule of Civil Procedure
 26 56(a). Defendant's Cross Motion for Summary Judgment ("Motion") is based on the
 27 Statement of Undisputed Facts, Memorandum, as well as the Administrative Record

1 before the Court, and the pleadings. As these supporting documents make clear, there is
2 no genuine issue as to any material fact and the Defendant is entitled to a judgment as a
3 matter of law. Defendant's Cross-Motion for Summary Judgment should be granted and
4 all of Plaintiff's claims should be dismissed with prejudice. Accordingly, the Court
5 should enter summary judgment in Defendant's favor. Fed. R. Civ. P. 56(c); 5 U.S.C. §
6 706.

7 DATED this 16th day of December, 2009.

8 Respectfully submitted,

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10 IGNACIA S. MORENO
11 Assistant Attorney General
12 Environment & Natural Resources Division

13 JEAN E. WILLIAMS, Chief
14 KRISTEN F. GUSTAFSON, Assistant Chief

15 /s/ J. Brett Grosko

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CERTIFICATE OF SERVICE

This is to certify that on this 16th day of December, 2009, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send electronic filing to the following counsel of record:

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/s/ J. Brett Grosko

J. Brett Grosko